



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BALER, AURORA WHICH WAS HELD ON AUGUST 03, 2011 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

Present:

Hon. Nelianto C. Bihasa	Vice Mayor- Presiding Officer
Hon. Danilo M. Ong	SB Member
Hon. Karen G. Angara-Ularan	SB Member- PCL President
Hon. Noel P. Go	SB Member
Hon. Arthur L. Sanchez	SB Member
Hon. Reynaldo E. Mapindan	SB Member
Hon. Gina T. Ritual	SB Member
Hon. Sonia G. Amatorio	SB Member
Hon. Gina Z. Agapito	SB Member- ABC President
Hon. Aya Rose L. Avellaneda	SB Member- SK Fed. Chairman

Absent:

Hon. Nenita DS. Gonzales	SB Member
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ORDINANCE No.004-2011

AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, INVESTORS, CONTRACTORS AND THE LIKE TO HIRE A MINIMUM OF 40% OF THEIR WORKFORCE FROM QUALIFIED AND BONAFIDE RESIDENTS OF THE MUNICIPALITY OF BALER, AURORA.

Whereas, Section 18 of the 1987 Philippine Constitution provides that the State affirms labor as a primary social economic force and as a consequence it shall protect the rights of workers and promote their welfare;

Whereas, the Labor Code of the Philippines, in its declaration of basic policy, includes not only protection to labor but promoting full employment and ensuring equal work opportunities regardless of sex and creed;

Whereas, the Municipal Government of Baler, Aurora aims to uplift the standard, of living of its constituents by generating employment and enticing income generating activities for its constituents particularly those who are qualified, and able-bodied citizens by taking the cudgels of enjoining investors to hire a certain percentage of employees from bonafide residents of Baler, Aurora;

Whereas, it is the commitment of the Municipal Government to promote and provide full employment opportunities to all its qualified and able-bodied residents;

Whereas, after public consultations and committee hearings conducted for the purpose by the SB Committee on Labor and Employment, this Ordinance would practically help solve the municipalities unemployment problems;

Now therefore, be it enacted by the Sangguniang Bayan, in session assembled that::

Section 1. Title - This Ordinance shall be known and cited as “**AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, INVESTORS, CONTRACTORS AND THE LIKE TO HIRE A MINIMUM OF 40% OF THEIR WORKFORCE FROM QUALIFIED AND BONAFIDE RESIDENTS OF THE MUNICIPALITY OF BALER, AURORA AND FOR OTHER PURPOSES.**”

Section 2. Definition of Terms. As used in this Ordinance, the following terms shall mean:

- 2.1. Business establishments - refers to companies or franchises and branches of all the establishments, and. all other similar establishments that undertake organized production or rendering services with the end in view of gaining profit;
- 2.2 Rank and File. employees – refers to those employees who are under the direct supervision and control of a supervisor, and shall not include those employees who are occupying position

classified as having recommendatory powers, or those with the power to recommend to management, the exercise of management prerogatives, as defined in the Labor Code of the Philippines;

Section 3. Purpose. - This Ordinance is enacted for the following purposes:

- 3.1. To minimize if not totally eradicate unemployment within the municipality and provide opportunity to earn a clean and honest living;
- 3.2. To uplift the standard of living of the Balerianos by generating employment and enjoying income generating activities particularly for those who are qualified and able-bodied citizens by taking the cudgels of enjoining investors to hire a certain percentage of employees from bonafide Balerianos;
- 3.3. To promote and provide full employment opportunities to all qualified and able-bodied bonafide residents of the Municipality of Baler, Aurora

Section 4. Coverage– This Ordinance shall find application to the following:

- 4.1 All business establishments, companies and industries engaged in manufacturing or rendering service in the ordinary course of trade or business;
- 4.2 All business establishments employing ten (10) or more rank and file employees;
- 4.3 All business establishments that are located within the territorial jurisdiction of the Municipality of Baler but under agreement with any service or employment agencies or contractors that are located in the municipality. To this notwithstanding, they shall be subject to observe the minimum forty percent (40%) manpower requirement of this ordinance. Such business establishments shall require the service agency to provide applicants/employees who are residents of Baler, Aurora

Section 5. Security of Tenure:

- 5.1 This Ordinance recognizes the right of existing employees to security of tenure in establishments that are already operating within the municipality. Business establishments operating outside this municipality six (6) months immediately preceding the effectivity of this ordinance and which subsequently transfer their operations in the Municipality of Baler, Aurora after this Ordinance had took effect, shall also be entitled to the same recognition herein stated.
- 5.2 If the establishments referred to in the immediately preceding section subsequently increased their manpower or replaced the employees who were dismissed or removed due to business expansion or due to vacancies in several positions by reason of retirement, resignation, removal, retrenchment or other similar events, the qualified applicants who are residents of Baler, Aurora shall be given preference in acceptance for employment until the forty percent (40%) requirement have been satisfied or substantially complied. Provided that, if there are no qualified applicants who are residents of Baler, the employer shall have the right to employ non-residents;
- 5.3 Newly established companies that are about to set up their operations in the municipality after the effectivity of this Ordinance shall strictly comply with this manpower requirement.

Section 6. Proof of Residence- Voter's Identification Card or Income Tax Return filed or any written statement under oath showing the complete address, in the absence of the former shall be a requirement in accepting a person for employment for rank and file positions. Provided, that the present address of the applicant entered or indicated thereon, must be in the Municipality of Baler, Aurora. Provided further, that the applicant must have resided in Baler, Aurora for at least one (1) year as certified by the Punong Barangay concerned.

Section 7. Agency and Office In-Charge – The Public Employment Service Office of Baler, Aurora shall be the office in charge of enforcing this Ordinance.

Section 8. Reportorial Requirements - The business establishments that already exist and have been established prior to the passage of this Ordinance shall be required to submit a yearly report embodying a complete list of its employees before the issuance of business permit. The subject report shall be submitted to the Public Employment Service Office, Baler, Aurora.

Section 9. Rules on the Issuance of Business Permits and Licenses-The Public Employment Service Office is hereby recommended to promulgate rules/regulations on the issuance of business licenses and permits, subject to the following:

- 9.1 Submission of the list of the rank-and-file employees which include the proportion of the Municipality of Baler residents employed therein to the non-residents;
- 9.2 Nature of business of the employer/business establishment;
- 9.3 Information required to be stated in the list of employees:
 - a. Age of the particular employee
 - b. Present Address
 - c. Number of years of service with the employer
 - d. Present position, brief description of the duties and responsibilities of the employee;
 - e Updated list of the retired, retrenched, removed or resigned employees and the list of the persons who replaced them.

Section 10. Penalty Clause. – Any business establishments found guilty of violating the provisions of this Ordinance shall be liable as follows:

- 10.1 *For First Offense*- Reprimand that includes an explanation under oath and in writing why the Ordinance was violated;
- 10.2 *For Second Offense*- A fine of two thousand five hundred pesos (P 2,500.00) and a stern warning that the subsequent violation shall mean closure of the business; and
- 10.3 *For Third Offense*- closure of the business establishment.

Section 11. Separability Clause - If for any reason/s, any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

Section 12. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 13. Effectivity Clause - This Ordinance shall take effect after two (2) weeks from the date a copy thereof had been posted in bulletin board at the entrance of the Municipal Building and in at least two (2) conspicuous places in the municipality.

ENACTED: 10 August, 2011

AUTHOR: HON. SONIA G. AMATORIO
Chairman – SB Committee on Labor and Employment

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

GLORIOSO A. VILLAFRANCA
Secretary to the Sangguniang Bayan

Attested:

NELIANTO C. BIHASA
Vice Mayor-Presiding Officer

Approved:

ARTURO J. ANGARA, DMD.
Municipal Mayor

Date: _____